

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

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NATIONAL LIFE INSURANCE COMPANY,

Impleader Plaintiff,

-against-

STIPULATION

ROBERT M. GOMEZ and FIRST COMMUNITY
BANK OF ARKANSAS AS LEGAL
GUARDIAN OF THE ESTATES OF TTO and
CRO, MINORS,

1:15-CV-439[MAD/CFH]

Interpleader Defendants.
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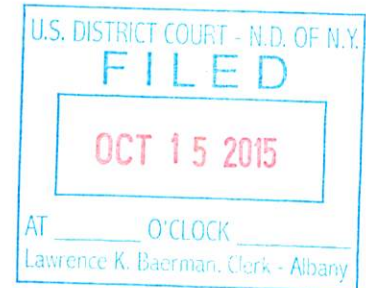
WHEREAS, Interpleader Plaintiff National Life Insurance Company (National Life) has brought this action seeking a judicial determination of the rightful beneficiary(ies) of the proceeds of a life insurance policy (the proceeds) it issued to the late Jane H. Gomez;

WHEREAS, since Jane H. Gomez' death her husband Robert Gomez and minor grandsons TTO and CRO, either directly or through her estate or the guardian of her grandsons, have claimed to be entitled to the proceeds;

WHEREAS, Interpleader Defendant Robert Gomez (Gomez) has indicated that he will seek to amend his Answer to add the Estate of Jane H. Gomez (Estate of Gomez) to the caption as another Interpleader Defendant;

WHEREAS, Interpleader Defendant First Community Bank of Arkansas, having been replaced as guardian of TTO and CRO since the commencement of this action, has not answered or otherwise responded to the Interpleader Complaint;

WHEREAS, subsequent to the commencement of this litigation and service of process on First Community Bank of Arkansas, the Arkansas court which appointed that



bank as guardian of TTO and CRO appointed, in its stead, their uncle Raymond T. Hyer, Jr. as their substitute guardian (Guardian of TTO and CRO);

WHEREAS, Gomez, Estate of Gomez and Guardian of TTO and CRO believe that cross motions for summary judgment between them as to which is entitled to the proceeds will end the litigation or substantially facilitate the settlement of their competing claims to those proceeds; and

WHEREAS, the parties have agreed to the terms and conditions of the Case Management Plan, annexed hereto as Exhibit A;

IT IS HEREBY STIPULATED THAT:

1. Within 20 days of the date this stipulation is So Ordered Gomez will file his First Amended Answer with Counterclaims which will seek to add the Estate of Gomez to the caption as another Interpleader Defendant;

2. Within 20 days from the date this stipulation is So Ordered, Guardian of TTO and CRO will file an Answer to the Interpleader Complaint.

3. Within 20 days after Gomez files his First Amended Answer with Counterclaims National Life will file its Answer to it.

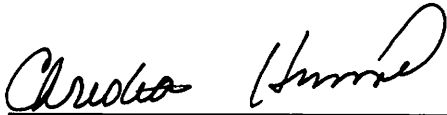
4. Within 60 days after National Life files its Answer to Gomez' First Amended Answer with Counterclaims, Gomez, Estate of Gomez and the Guardian of TTO and CRO will file their cross motions for summary judgment as to which of them is entitled to the proceeds.

5. Gomez and the Guardian of TTO and CRO will file their opposition papers to each other's cross motions for summary judgment within 30 days after the cross motions are served.

6. Gomez and the Guardian of TTO and CRO will file their reply papers on each other's cross-motions for summary judgment within 15 days after the opposition papers are served.

7. Except as stipulated and agreed above, the parties reserve all of their rights and waive none.

So Ordered



October 15, 2015 Date